

REMARKS

The Advisory Action of August 8, 2008 and the Office Action of March 28, 2008 were received and carefully reviewed. Reconsideration and withdrawal of the currently pending rejections are requested for the reasons advanced in detail below.

Claims 1, 4-8, 10-12 and 15-20 were pending prior to the instant amendment. By this amendment, claim 4 is amended and new claim 21 has been added (see, for example, Figure 5C and paragraph [0029] of the published application). No new matter has been introduced. Consequently, claims 1, 4-8, 10-12 and 15-21 are currently pending in the instant application with claims 1, 4 and 5 being independent.

In the Office Action, claims 1, 4-8, 9-12 and 15-20 stand rejected under 35 U.S.C. § 102(e) as being clearly anticipated by U.S. Patent No. 7,189,654 to Yamazaki et al. (Yamazaki ‘654) and claims 4, 7, 11, 16 and 19 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Pat. Pub. 2004/0224433 to Yamazaki et al. (Yamazaki ‘433). In the Advisory Action the Examiner indicates that Applicant’s after final amendment dated June 26, 2008 overcomes Yamazaki ‘654.¹ Therefore, for the purposes of this response only, Applicant contends that the Examiner considers at least independent claims 1 and 5 allowable as well as the claims dependent therefrom. The remaining rejection of independent claim 4 is traversed for the reasons advanced in detail below.

With respect to independent claim 4, the Examiner states that Yamazaki ‘433 anticipates the claimed invention. However, Applicant contends that Yamazaki ‘433 fails to render the claimed invention unpatentable. Each of the claims recite a specific combination

¹ In the Advisory Action, the Examiner mistakenly indicated USPN 6,189,654 instead of the correct USPN 7,189,654.

of features that distinguishes the invention from the prior art in different ways. For example, independent claim 4, as amended, recites a combination that includes, among other things:

forming contact holes by etching the insulating film at an atmospheric pressure or a pressure close to the atmospheric pressure by using a second plasma generating device provided with only a pair of electrodes, the second plasma generating device moving in a direction perpendicular to a direction in which the substrate is moved.

(See, for example, Figures 6A and 6B and paragraph [0035] of the published application). At the very least, Yamazaki '433 fails to disclose or suggest any of these exemplary features recited in the independent claim 4.

The Examiner asserts that Yamazaki '433 discloses that each pair of electrodes depicted in Figures 11B and 11D is an independent generating device and therefore, the contact hole is etched using a second plasma generating device provided with only a pair of electrodes. However, Yamazaki '433 fails to teach at least the features of forming contact holes by etching the insulating film at an atmospheric pressure or a pressure close to the atmospheric pressure by using a second plasma generating device provided with only a pair of electrodes, the second plasma generating device moving in a direction perpendicular to a direction in which the substrate is moved, as presently claimed.

For anticipation under 35 U.S.C. § 102, the reference must teach every aspect of the claimed invention either explicitly or impliedly. Any feature not directly taught must be inherently present (M.P.E.P. 706.02). Since each and every element, as set forth in the claims are not found either expressly or inherently described as required by the M.P.E.P., Yamazaki '433 cannot be said to anticipate the invention as claimed. Hence, withdrawal of the rejection is respectfully requested.

Each of the dependent claims depend from one of independent claims 1, 4 or 5 and are patentable over the cited prior art for at least the same reasons as set forth above with respect to claims 1, 4 and 5.

In addition, each of the dependent claims also recite combinations that are separately patentable.

In view of the foregoing remarks, this claimed invention, as amended, is not anticipated or rendered obvious in view of the prior art references cited against this application. Applicant therefore requests the entry of this response, the Examiner's reconsideration and reexamination of the application, and the timely allowance of the pending claims.

In discussing the specification, claims, and drawings in this response, it is to be understood that Applicant in no way intends to limit the scope of the claims to any exemplary embodiments described in the specification and/or shown in the drawings. Rather, Applicant is entitled to have the claims interpreted broadly, to the maximum extent permitted by statute, regulation, and applicable case law.

Should the Examiner believe that a telephone conference would expedite issuance of the application, the Examiner is respectfully invited to telephone the undersigned agent at (202) 585-8100.

Respectfully submitted,

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